

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AARON BERNARD GENTRY,

Plaintiff,

v.

HEATHER JUSTICE, et al.,

Defendant.

CASE NO. 3:21-cv-05521-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PLAINTIFF'S
COMPLAINT

On July 21, 2021, Plaintiff, proceeding pro se, filed this civil rights complaint pursuant to 42 U.S.C. § 1983. (Dkt. No. 1). The Court reviewed and screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A. (Dkt. No. 4.) The Court found that Plaintiff failed to state a claim upon which relief could be granted, but provided Plaintiff leave to file an amended pleading. (*Id.*)

On September 23, 2021, the Court granted Plaintiff's motion for an extension of time to cure the deficiencies contained in his complaint. (Dkt. Nos. 5, 6). Plaintiff did not file an amended complaint.

1 On November 9, 2021, United States Magistrate Judge David W. Christel, finding that
2 Plaintiff did not state a claim upon which relief could be granted or file an amended complaint,
3 issued a report and recommendation (“R&R”) recommending that Plaintiff’s complaint and this
4 action be dismissed without prejudice. (Dkt. No. 7). Plaintiff has not objected to Judge Christel’s
5 R&R.

6 The Court, having reviewed Plaintiff’s complaint, the Report and Recommendation of the
7 David W. Christel, United States Magistrate Judge, any objections thereto, and the remaining
8 record, hereby finds and ORDERS as follows:

9 (1) The Report and Recommendation is ADOPTED.

10 (2) Plaintiff’s claims are DISMISSED without prejudice for failure to state a claim upon
11 which relief can be granted and for failure to comply with a Court order. Plaintiff’s
12 Applications to Proceed In Forma Pauperis (Dkt. No. 1.) are denied as MOOT.

13 (3) As Plaintiff failed to state a claim upon which relief can be granted, the Court finds
14 this case is a “strike” under 28 U.S.C. § 1915(g).

15 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. David
16 W. Christel.

17 Dated this 1st day of December, 2021.

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20 David G. Estudillo
21 United States District Judge
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